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SEX OFFENDER FROM TRACY, CALIFORNIA PLEADS GUILTY TO PRODUCING CHILD PORNOGRAPHY

FRESNO – United States Attorney McGregor W. Scott announced today that MANUEL GUTIERREZ Jr., 47, of Tracy, California, pleaded guilty today before United States District Court Judge Lawrence J. O'Neill to one count of producing sexually explicit images of a minor. The defendant faces a prison term of between 25 and 50 years when sentenced on February 1, 2008. The defendant agreed to accept a lifetime term of supervised release during which he will be required to maintain his registration as a sex offender, and his access to minors, computers, and the Internet will be restricted.

The case was the result of an investigation by the San Joaquin County District Attorney's Bureau of Investigation, the San Joaquin County Probation Department, the Tracy Police Department, and the Federal Bureau of Investigation office in Modesto, California.

The investigation was undertaken during Operation Valley Predator as part of Project Safe Childhood. Operation Valley Predator took place in October 2006 and involved federal, state, and local law enforcement agencies combining resources to do compliance checks on registered sex offenders as well as to locate sex offenders who were not registered. Project Safe Childhood was launched to increase federal prosecutions of sexual predators of children, and to reduce the number of Internet crimes against children including child pornography trafficking. As a part of PSC, the United States Attorney's Office has teamed with state and local agencies and organizations to increase law enforcement presence on the Internet, and to educate the public about safe Internet use, thereby reducing the risk that children might fall prey to online sexual predators. For additional information on the PSC initiative, please go to www.projectsafefchildhood.gov or call the United States Attorney's Office for the Eastern District of California and ask to speak with the PSC coordinator.

According to David Gappa, who is prosecuting the case, Operation Valley Predator team members conducted a probation compliance check at the defendant's residence in October 2006. GUTIERREZ was on state probation for a 2005 misdemeanor conviction for possession of child pornography. When officers searched his residence and his computer, they discovered the defendant not only had obtained additional images of child pornography, he had produced sexually explicit images of a minor. As part of his plea agreement, the defendant admitted that between April and June of 2006 he used a digital camera to produce sexually explicit images of a victim who was less than twelve years of age. He further admitted that, as part of his sentencing, the government may consider his prior conduct of using facilities of interstate commerce (a phone and a computer with an Internet connection) to persuade, induce, and

entice a 15 year-old girl in Maine to engage in criminal sexual activity from approximately April 2001 through August 2004.

Because GUTIERREZ has a prior conviction for possession of child pornography, he faces a minimum sentence of 25 years and a maximum sentence of 50 years imprisonment for this case. He also faces a fine of up to \$250,000. However, the actual sentence will be determined at the discretion of the court after consideration of the Federal Sentencing Guidelines, which take into account a number of variables, and any applicable statutory sentencing factors.

GUTIERREZ has been in custody, as a danger to the community and a flight risk, since his arrest on October 11, 2006.

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